THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15417 of 2007

23.7.2007

Between:

Sri Vajrala Veera Raghava Reddy, S/o.Koti Reddy
And another

… Petitioners

AND

The Tahsildar, Guntur Mandal, Guntur
And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15417 of 2007

ORDER:

Two petitioners herein seek a writ of Mandamus declaring the action of the Tahsildar, Guntur Mandal, in erecting a notice board in the land of the petitioners and threatening them with criminal cases if they enter into the land, as illegal and unconstitutional.

The case of the petitioners in brief is as follows. Petitioners purchased land admeasuring Acs.8.06 in survey No.704 situated at Ankireddypalem village in Guntur District, from Kolakaluri Francis, Kothapalli Nageswara Rao, Kadapa Peda Venkaiah, Katari Souramma, Yallaturi Venkataratnam, Yellaturi Veerabrahmam, Yellaturi Punnaiah, Yellaturi Vasantha Rao, Nallapati Chandraleela, Konanki Puttamma and Vellaturi Yohan/Vellaturi Sambrajyam, under various registered sale deeds executed in their favour in February/March 1995. Petitioners contend that their vendors purchased these lands prior to 1947 and they perfected their title by adverse possession even before the enactment of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity). Petitioners assert that the land, they purchased, is not assigned land and not covered by the Act. First respondent erected a notice board near the land. In the said notice, it is alleged, the land was taken possession and was resumed to the Government under the provisions of the Act. Tresspassers were warned from entering the land. Aggrieved by the same, present writ petition is filed.

Learned Counsel for the petitioners vehemently contends that the land purchased by the petitioners is not assigned land and therefore the action of the first respondent in erecting the notice board that it is assigned land is arbitrary. Secondly he submits that even if it is assigned land, first respondent cannot high handedly erect notice

without following due process of law under the provisions of the Act. He can only resume the land after canceling the assignment made in favour of the original assignees. First respondent is required to issue notice to the petitioners, who are in possession of the land, and in the absence of such notice, erection of notice board is unsustainable. **Opposing** the writ petition learned Government Pleader for Revenue submits that even according to the petitioners, notice board is erected to the effect that the land is taken possession under the Act and therefore the petitioners have to assail the order of the first respondent resuming the land. He also points out that if any order is passed resuming the land, it is always open to the aggrieved party to prefer appeal under Section 4A of the Act.

First respondent admittedly erected notice board in the land allegedly belonging to the petitioners. First respondent erected such board not without any reason or order preceding it. From the perusal of the matter displayed in the notice board (Xerox copy of which is filed along with the writ petition) a reasonable inference can be drawn that the first respondent passed under Section 4 of the Act canceling the assignment made in favour of the petitioners and then took possession of the land. Therefore, as rightly pointed out by the learned Government Pleader, remedy of the petitioners is to approach the first respondent, obtain copies of the cancellation of assignment and then file appeal before the Revenue Divisional Officer (RDO), Guntur. Petitioners have filed only copies of the sale deeds and there is not even an iota of evidence before this Court *prima facie* to come to conclusion that the petitioners are in possession of the land, as alleged.

The writ petition is misconceived and is accordingly dismissed. No costs.

_____

(**V.V.S.RAO,J**)

July 23, 2007.
YS